

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2014-0013**

DELEGATION OF AUTHORITY TO APPROVE UNDERGROUND STORAGE TANK  
PETROLEUM CONTAMINATION ORPHAN SITE CLEANUP FUND (ORPHAN SITE CLEANUP  
FUND) GRANTS, TO AMEND THE ORPHAN SITE CLEANUP FUND PRIORITY LIST, TO  
EXECUTE GRANT AGREEMENTS AND AMENDMENTS FROM THE ORPHAN SITE CLEANUP  
FUND, AND TO REFER ACTIONS TO THE ATTORNEY GENERAL TO RECOVER MONEYS  
DUE TO THE ORPHAN SITE CLEANUP FUND

WHEREAS:

1. Section 25299.50.2 of Chapter 6.75 of Division 20 of the Health and Safety Code establishes the Orphan Site Cleanup Fund and authorizes the State Water Resources Control Board (State Water Board) to administer the Orphan Site Cleanup Fund to conduct a grant program to assist eligible applicants with the cost of response actions to remediate the harm caused by petroleum contamination at sites that meet specified conditions;
2. To implement Health and Safety Code section 25299.50.2, the State Water Board adopted regulations. These regulations became effective on October 16, 2009, and are contained in title 23 of the California Code of Regulations, division 3, chapter 18, article 7 (Orphan Site Cleanup Fund regulations);
3. The State Water Board is authorized to approve Orphan Site Cleanup Fund grants for amounts up to \$1,500,000;
4. Section 2814.29 of the Orphan Site Cleanup Fund regulations provides that within 60 days of receipt of a complete Orphan Site Cleanup Fund application, the State Water Board will review the application for eligibility. If the applicant is eligible, the State Water Board will issue a Notice of Eligibility and place the application on the Priority List. After that, the State Water Board and the applicant shall enter into a grant agreement for Orphan Site Cleanup Fund funding (Orphan Site Cleanup Fund regulations, § 2814.30);
5. Section 2814.27 of the Orphan Site Cleanup Fund regulations governs the priority ranking of Orphan Site Cleanup Fund applications;
6. [Resolution 2010-0001](#) established the Orphan Site Cleanup Fund Priority List in accordance with Section 2814.27 of the Orphan Site Cleanup Fund regulations. The Orphan Site Cleanup Fund Priority List was last amended on January 27, 2014;
7. For efficient administration of the Orphan Site Cleanup Fund, it is appropriate and desirable to delegate to the Deputy Director of the Division of Financial Assistance the authority to approve or deny Orphan Site Cleanup Fund grants and to place approved applications on the Orphan Site Cleanup Fund Priority List. It likewise is appropriate and desirable to delegate to the Deputy Director of the Division of Financial Assistance the authority to execute grant agreements and amendments with approved Orphan Site Cleanup Fund recipients; and

8. The State Water Board has authority to pursue any cost recovery action or any other collection process to recover Orphan Site Cleanup Fund grant moneys paid but to which the grantee is not entitled, including, but not limited to, referring such matters to the California Attorney General. It is desirable to delegate to designated staff the authority to refer any such matter to the California Attorney General.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Deputy Director of the Division of Financial Assistance, or designee, to approve or deny, consistent with statutory and regulatory requirements, grant commitments up to \$1,500,000 for eligible applicants to the Orphan Site Cleanup Fund;
2. Authorizes the Deputy Director of the Division of Financial Assistance, or designee, to amend the Priority List for the Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Fund, consistent with statutory and regulatory requirements;
3. Authorizes the Deputy Director of the Division of Financial Assistance, or designee, to execute, for and on behalf of the State Water Board, grant agreements and amendments to disburse funds for the Orphan Site Cleanup Fund for approved grants;
4. The State Water Board authorizes the Deputy Director of the DFA, with the concurrence of the Chief Counsel, to refer any cost recovery action to the Attorney General to recover Orphan Site Cleanup Fund grant moneys paid but to which the grantee is not entitled; and
5. To the extent this resolution is inconsistent with Resolution 2010-0001, this resolution supersedes Resolution 2010-0001.

### CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 4, 2014.

AYE: Vice Chair Frances Spivy-Weber  
Board Member Tam M. Doduc  
Board Member Steven Moore  
Board Member Dorene D'Adamo

NAY: None

ABSENT: Chair Felicia Marcus

ABSTAIN: None

  
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Jeanine Townsend  
Clerk to the Board